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48063 7590 11/24/2009 RYAN, MASON & LEWIS, LLP 90 FOREST AVENUE LOCUST VALLEY, NY 11560				
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte KATHERINE BETZ,
AVRAHAM LEFF, and
JAMES THOMAS RAYFIELD

Appeal 2009-004861
Application 09/500,208
Technology Center 2400

Decided: November 24, 2009

Before MAHSHID D. SAADAT, ROBERT E. NAPPI, and
CARLA M. KRIVAK, *Administrative Patent Judges*.

KRIVAK, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants appeal under 35 U.S.C. § 134(a) from a final rejection of claims 1-26. We have jurisdiction under 35 U.S.C. § 6(b).

We reverse.

STATEMENT OF THE CASE

Appellants' claimed invention is a dual Model-View-Controller (MVC) architecture that reduces network communications between a client and a server (Spec. 1:5-8; Spec. 3:22-25). A subset of MVC code supported by the server is downloaded to the client (Spec. 3:22-25; Spec. 4:14-18). Because a subset of the MVC is maintained on the client, the client can respond to the user without paying a performance penalty for interacting with the server (Spec. 5:1-3).

Independent claim 1, reproduced below, is representative of the subject matter on appeal.

1. A method for use in a client/server system of reducing interactions between a client and server in association with an application being accessed by the client at the server, the method comprising the steps of:

configuring the server to store a model associated with the application and to execute view-generating and controller logic associated with the application; and

configuring the client to store at least a subset of the model associated with the application and to execute at least a subset of the view-generating and controller logic associated with the application;

wherein one or more portions of the application are performed at the client without the client having to interact with the server, and further wherein the client and the server both locally maintain at least a portion of the model and execute the view-generating and controller logic associated therewith.

REFERENCES

Gish	US 5,768,510	Jun. 16, 1998 (filed Jul. 1, 1996)
Hyndman	US 6,161,136	Dec. 12, 2000 (filed Oct. 16, 1998)

The Examiner rejected claims 1, 3, 13, 15, 25, and 26 under 35 U.S.C. § 102(e) based upon the teachings of Hyndman.

The Examiner rejected claims 2, 4-12, 14, and 16-24 under 35 U.S.C. § 103(a) based upon the teachings of Hyndman and Gish.

Appellants contend that Hyndman does not teach all the features of Appellants' claimed invention, particularly that view-generating logic is executed on a server (App. Br. 7, 10; Reply 2-3). Appellants also contend that Gish does not teach or suggest view-generating logic executed on a server, thus Gish does not cure the deficiencies of Hyndman (App. Br. 11-12).

ISSUE

Did Appellants establish the Examiner erred in finding that Hyndman teaches the view V-2 is the same as Appellants' claimed view-generating logic executing on a server?

FINDINGS OF FACT

1. Hyndman provides user interfaces divided into client-server portions based on a multi-level model-view-controller (MMVC) architecture (col. 2, 20-23; Fig. 1B). The client portion is identified as the user interface client (UIC) and the server portion is identified as the user interface server (UIS) (col. 2, ll. 23-25; col. 3, ll. 45-48). Hyndman states the view "V" is in

the UIC portion of the interface (col. 3, ll. 61-64; Figs. 1A, 1B). Hyndman also teaches that the “view V-2 of the MVC-2 is the UIC state information” (col. 4, ll. 6-7).

PRINCIPLES OF LAW

Anticipation is established only when a single prior art reference discloses, expressly or under the principles of inherency, each and every element of a claimed invention as well as disclosing structure which is capable of performing the recited functional limitations. *RCA Corp. v. Appl. Dig. Data Sys., Inc.*, 730 F.2d 1440, 1444 (Fed. Cir. 1984); *W.L. Gore & Assoc., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 1554 (Fed. Cir. 1983).

ANALYSIS

Claims 1, 3, 13, 15, 25, and 26

Appellants’ argument that Hyndman does not teach the view-generating logic executed on a server, as required by independent claims 1, 13, 25, and 26 are persuasive (App. Br. 7-10, Reply Br. 3). Specifically, Appellants contention that the Examiner erred in finding that the view V-2 in Hyndman executes on a server, is correct (App. Br. 10; Reply Br. 2-3).

Independent claims 1, 13, 25, and 26 require the view-generating logic to execute on the server. Hyndman does not adequately support the Examiner’s finding that view V-2 is executed on the server (Ans. 3, 4, 11). Hyndman teaches the user interface is divided into a UIC portion supported by a client and a UIS portion supported by a server. Hyndman also teaches “the view is the UIC portion of the interface;” particularly that the view V-2

is part of the UIC, and not the UIS, as alleged by the Examiner (FF 1).
Thus, Hyndman does not teach each and every element recited in claim 1.

Because independent claims 13, 25, and 26 recite the same limitations as claim 1, these claims, along with dependent claims 3 and 15, are also not anticipated by Hyndman.

Claims 2, 4-12, 14, and 16-24

The Examiner rejected claims 2, 4-12, 14, and 16-24 as obvious over Hyndman and Gish (Ans. 5). The Examiner has not found that Gish teaches view-generating logic executing on a server. Thus, Gish does not remedy the deficiency of Hyndman noted above. Accordingly, for the reasons set forth above, claims 2, 4-12, 14, and 16-24 are not obvious over the combination of Hyndman and Gish.

CONCLUSION

Appellants have established the Examiner erred in finding that Hyndman teaches the view V-2 is the same as Appellants' claimed view-generating logic executing on a server.

DECISION

The Examiner's decision rejecting claims 1-26 is reversed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

REVERSED

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